

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Baley

Confirmation No. 9865

Serial No. 10/567,367

Group Art Unit 1616

Filed February 7, 2006

Examiner Brooks

For SUPPRESSION OF FOLIAR AND SOILBORNE PATHOGENS

Commissioner for Patents

PO Box 1450

Alexandria, Virginia 22313-1450

**RESPONSE TO RESTRICTION/ELECTION REQUIREMENT**

Sir:

In response to the Office Action mailed October 5, 2009, the applicant elects the Group 1 invention including claims 1-20, 41, 46-49, and 54-57. The election is made without traverse.

Also, in response to the Office Action mailed October 5, 2009, the applicant elects *Phakospora* as the elected species. The election is made with traverse as the invention is applicable to a variety of different fungal species. The claims reading on the elected species are claims 1-20, 41, 46-49, and 54-57.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



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